

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BILLY BRANTLEY, et al.	:	Case No. C-1-01-378
Plaintiffs,	:	Judge Susan J. Dlott
vs.	:	
CINERGY CORP.	:	SUPPLEMENTAL
Defendant.	:	AFFIDAVIT OF JAY R. ALVARO, ESQ.
	:	<u>RE: EEOC CHARGES</u>
STATE OF OHIO)	
COUNTY OF HAMILTON)ss.	

Comes now affiant, Jay R. Alvaro, Esq., after being duly cautioned and sworn, deposes and states as follows:

1. That I am presently employed by Cinergy Services, Inc. in the position of Senior Counsel in the Legal Department.
2. That as part of my responsibilities as Senior Counsel and previously Counsel in the Legal Department, I am involved in the review and handling of charges filed by employees with the Equal Employment Opportunity Commission ("EEOC") and in the preparation of EEOC responses.
3. That on or about April 11, 2000, a Charge of Race Discrimination by Billy Brantley was signed and filed with assistance of counsel, William P. Whalen, and that Exhibit "A" is a true and accurate copy of same.

4. That on or about August 29, 2000, an Amended Charge of Race Discrimination by Billy Brantley was signed and filed with assistance of counsel, William P. Whalen, and that Exhibit "B" is a true and accurate copy of same.

5. That on or about December 19, 2000, a Request for Withdrawal of Charge Discrimination was signed and filed by Billy Brantley and that Exhibit "C" is a true and accurate copy of same.

6. That on or about January 10, 2001, the EEOC issued a Withdrawal of Charge-Grant in response to Billy Brantley's request for a Right to Sue Letter and in order to pursue this matter in Federal Court and that Exhibit "D" is a true and accurate copy of same.

7. That on or about March 13, 2001, the EEOC issued a Notice of Right to Sue as to Billy Brantley and noted "More than 180 days have passed since the filing of this charge" and "The EEOC is terminating its processing of this charge and that Exhibit "E" is a true and accurate copy of same.

8. That on or about April 11, 2000, an original Dual Charge of Discrimination by Todd Tolbert was signed and filed with assistance of counsel, William P. Whalen, and that Exhibit "F" is a true and accurate copy of same.

9. That on or about December 20, 2000, a Request for Withdrawal of Charge Discrimination was signed and filed by Todd Tolbert and that Exhibit "G" is a true and accurate copy of same.

10. That on or about April 11, 2000, a second Dual Charge of Race Discrimination by Rodney V. Jones was signed and filed with assistance of counsel, William P. Whalen, and that Exhibit "H" is a true and accurate copy of same.

11. That on or about August 29, 2000, an Amended Charge of Race Discrimination by Rodney V. Jones was signed and filed with assistance of counsel, William P. Whalen, and that Exhibit "I" is a true and accurate copy of same.

12. That on or about December 18, 2000, a Request for Withdrawal of Charge Discrimination was signed and filed by Rodney V. Jones and that Exhibit "J" is a true and accurate copy of same.

13. That on or about February 1, 2001, the EEOC issued a Withdrawal of Charge-Grant in response to Rodney V. Jones' request for a Right to Sue Letter and in order to pursue this matter in Federal Court and that Exhibit "K" is a true and accurate copy of same.

14. That on or about March 13, 2001, the EEOC issued a Notice of Right to Sue and noted "More than 180 days have passed since the filing of this charge" and "The EEOC is terminating its processing of this charge and that Exhibit "L" is a true and accurate copy of same.

15. That on or about April 11, 2000, a second Dual Charge of Race Discrimination by Anthony Martin was signed and filed with assistance of counsel, William P. Whalen, and that Exhibit "M" is a true and accurate copy of same.

16. That on or about August 28, 2000, an Amended Charge of Race Discrimination by Anthony Martin was signed and filed with assistance of counsel, William P. Whalen, and that Exhibit "N" is a true and accurate copy of same.

17. That on or about December 18, 2000, a Request for Withdrawal of Charge Discrimination was signed and filed by Anthony Martin and that Exhibit "O" is a true and accurate copy of same.

18. That on or about February 1, 2001, the EEOC issued a Withdrawal of Charge-Grant in response to Anthony Martin's request for a Right to Sue Letter and in order to pursue this matter in Federal Court and that Exhibit "P" is a true and accurate copy of same.

19. That I have firsthand knowledge of the above.

FURTHER AFFIANT SAYETH NAUGHT.

Dated

7/30/03

Jay R. Alvaro

Jay R. Alvaro

NOTARY OF PUBLIC

Sworn to and subscribed in my presence this 30th day of July, 2003.

JILL T. O'SHEA, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION
DATE. SECTION 147.03 O.R.C.



Jill T. O'Shea
Notary Public

Respectfully submitted,

Jill T. O'Shea
Jill O'Shea (0034692)
CENERGY SERVICES, INC.
139 East Fourth St., Room 25 AT II
Cincinnati, Ohio 45201-0960
Telephone: (513) 287-2062
Facsimile: (513) 287-3810

*Attorney for Defendant
Cinergy Corp.*

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading was served via hand-delivery this 1st day of August, 2003 to:

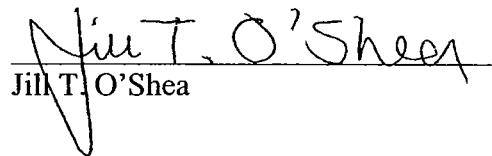
Paul H. Tobias
David D. Kammer
TOBIAS, KRAUS & TORCHIA, LLP
414 Walnut Street
Suite 911
Cincinnati, OH 45202

I certify that a copy of the foregoing pleading was served via overnight mail this 1st day of August 2003 to:

David W. Sanford
Eric Bachman
Charles Dixon
GORDON, SILBERMAN, WIGGINS & CHILDS, P.C.
7 DuPont Circle
Suite 200
Washington, D.C. 20036

I certify that a copy of the foregoing pleading was served via overnight mail this 1st day of August 2003 to:

Grant E. Morris LAW OFFICES OF GRANT E. MORRIS
7 DuPont Circle
Suite 250
Washington, D.C. 20036



Jill T. O'Shea

OHIO CIVIL RIGHTS COMMISSION AND EEOC

Exhibit "A"

NAME (INDICATE MR., MS., MRS.)

Billy Brantley

HOME TELEPHONE (INCLUDE AREA CODE)

513 942-8242

STREET ADDRESS

2853 SATURN DR

CITY, STATE, ZIP CODE AND COUNTY

Fairfield OH 45014

DATE OF BIRTH
9-29-66

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)

NAME

Cinergy

NUMBER OF EMPLOYEES

TELEPHONE (INCLUDE AREA CODE)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

NAME

TELEPHONE (INCLUDE AREA CODE)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON {CHECK APPROPRIATE BOX(ES)}

RACE COLOR SEX RELIGION NATIONAL ORIGIN

DATE DISCRIMINATION TOOK PLACE
EARLIEST (ADEA/EPA) LATEST (ALL)

RETALIATION AGE DISABILITY OTHER (SPECIFY)

CONTINUOUS ACTION

THE PARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACH EXTRA SHEET(S):

1991-5-17-2000

Cinergy Gas & Electric Co., Inc., has consistently limited or blocked my ability to receive promotions. Cinergy's hiring and promotional policies have inhibited my ability to achieve promotions and/or employment.

The policies adopted by Cinergy have contributed negative items to my employee personnel jacket, and I am held to a different standard based solely on racial bias.

The racial prejudice by Cinergy has created a hostile atmosphere that inhibits my ability to work, and refuses my right to enjoy a healthy, thriving work environment.

CINCINNATI

MAY 17 2000 PM
10:10:20.3456

I ALSO WANT THIS CHARGE FILED WITH THE EEOC. I WILL ADVISE THE AGENCIES IF I CHANGE MY ADDRESS OR TELEPHONE NUMBER AND I WILL COOPERATE FULLY WITH THEM IN THE PROCESSING OF MY CHARGE IN ACCORDANCE WITH THEIR PROCEDURE.

NOTARY (WHEN NECESSARY FOR STATE AND LOCAL REQUIREMENTS)

I SWEAR OR AFFIRM THAT I HAVE READ THE ABOVE CHARGE AND THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNATURE OF COMPLAINANT

Billy Brantley
CHARGING PARTY SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(DAY, MONTH, YEAR)

11-4 - 00

State of Ohio, County of Hamilton
This instrument was executed on May 17, 2000
and has no expiration date.
Dated this 17th day of May, 2000.

4/11/00
DATE

CHARGE OF DISCRIMINATION

Case 1:01-cv-00378-MRB

Document 85-8

Filed 07/29/2004

Page 7 of 30

is affected by the Privacy Act of 1974; See Privacy Act Statement

before completing this form.

AGENCY

 FEPA EEOC

CHARGE NUMBER

75051700 (28378) 051700,

22A A0 1851 AMENDED

OHIO CIVIL RIGHTS COMMISSION AND EEOC

State or Local Agency, if any

Exhibit "B"

Page 1 of 2

(INDICATE MR., MS., MRS.)

HOME TELEPHONE (INCLUDE AREA CODE)

y Brantley

513-942-8242

ET ADDRESS

CITY, STATE, ZIP CODE, AND COUNTY

DATE OF BIRTH

53 Saturn Drive Fairfield, OH 45014

9-29-66

ED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO
DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW.)

E

nergy Corp.

NUMBER OF EMPLOYEES

TELEPHONE (INCLUDE AREA CODE)

+15

513-742-8609

ET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

East Fourth Street P O Box 960 Cincinnati, OH 45201-0960

Hamilton

E

TELEPHONE (INCLUDE AREA CODE)

ET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

USE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

AGE COLOR SEX RELIGION NATIONAL ORIGINDISCRIMINATION AGE DISABILITY OTHER (SPECIFY)

DATE DISCRIMINATION TOOK PLACE

EARLIEST (ADEA/EPA) LATEST (ALL)

Prior to and on May 17, 2000

[x] CONTINUING ACTION

PARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACH EXTRA SHEET(S))

n a Black male. I have taken the test for Lineman "A" several times.

- I. The percentage of Blacks that work for the company is far below the demographics for this area demonstrating the percentage of Blacks living in this area. The company's hiring and promotional policies adversely impact Black persons. In addition, to contributing to negative items in my employee personnel jacket. The company has created a hostile work atmosphere, and I am held to a different standard. Prior to and on May 17, 2000, I have been denied the Lineman "A" position.
- II. There is no reason for the disparate treatment.
- III. I believe that I have been unlawfully discriminated against because of my race, Black for the following reasons:
 - a. Cinergy Corp. has consistently limited or blocked my ability to receive promotions. Hiring and promotional policies have inhibited my ability to achieve promotions and/or employment.

*Larry Brantley*ALSO WANT THIS CHARGE FILED WITH THE EEOC. I WILL ADVISE THE AGENCIES IF I
CHANGE MY ADDRESS OR TELEPHONE NUMBER AND I WILL COOPERATE FULLY WITH
THEM IN THE PROCESSING OF MY CHARGE IN ACCORDANCE WITH THEIR PROCEDURE.

NOTARY (When necessary for State and Local Requirements)

I SWEAR OR AFFIRM THAT I HAVE READ THE ABOVE CHARGE AND
THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION
AND BELIEF.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWEORN TO BEFORE ME THIS DATE

(DAY, MONTH, YEAR)

5/29/00

OHIO CIVIL RIGHTS COMMISSION

I SWORN UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

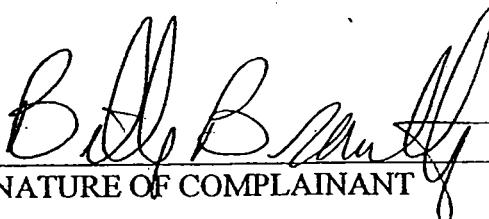
Billy Brantley

8/29/00

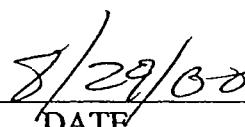
CHARGING PARTY SIGNATURE

THE TWO OF TWO
Brantley v. Cinergy Corp.
1700 (28378) 051700, 22A A0 1851 AMENDED

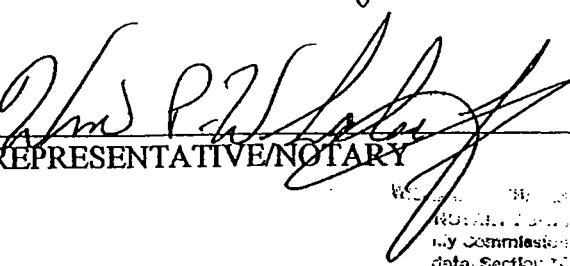
- b. The policies adopted by Cinergy Corp. have contributed negative items to my employee personnel jacket, and I am held to a different standard based solely on racial bias.
- c. The racial prejudice by Cinergy has created a hostile atmosphere that inhibits my ability to work, and refuses my right to enjoy a healthy thriving work environment.
- d. I have trained a number of Caucasian men, who have passed the company's test.
- e. I have filled the Lineman "A" position several times on a temporary basis. There are no Blacks in the supervisor position in this area.



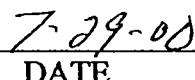
INATURE OF COMPLAINANT



DATE



C.R.C. REPRESENTATIVE/NOTARY



DATE

Notary Public in the State of Ohio
My Commission Expires December 2004
data, Section 7713 R.L.

OHIO CIVIL RIGHTS COMMISSION
AND
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

REQUEST FOR WITHDRAWAL OF CHARGE DISCRIMINATION

You have requested withdrawal of your dual-filed charge from the Ohio Civil Rights Commission (OCRC) and the Equal Employment Opportunity Commission (EEOC). In order to initiate such action, please furnish the information below. Since a request for withdrawal is subject to approval by both Commissions, your request will be considered and acted upon when received. Please note that both Commissions are still prepared to proceed with your case if you so desire.

75051700 (28378) 051700
OCRC CASE NUMBER

22A A0 1851 Amended
EEOC CASE NUMBER

Billy Brantley

Cinergy Corp. and The
Cincinnati Gas & Electric Company

CHARGING PARTY

RESPONDENT

CHARGING PARTY -- COMPLETE INFORMATION BELOW

I am aware that OCRC and EEOC protect my rights to file a charge and have been advised that it is unlawful for any person covered by ORC-4112 or the laws administered by EEOC to threaten, intimidate or harass me because I have filed a charge. I have not been coerced into requesting this withdrawal. I am requesting a Right to Sue Letter, upon the advise of my Attorney. I understand that this is the final resolution of this matter with the Commission.

Billy Brantley
SIGNATURE

12/19/00
DATE

WITNESS

OHIO CIVIL RIGHTS COMMISSION



Bob Taft
Governor

Ohio Civil Rights Commission

"Many Faces...One Cause"

JAN 10 2001

Mr. Billy Brantley
2853 Saturn Drive
Fairfield, OH 45014

Re: Billy Brantley v. Cinergy Corp. and The
Cincinnati Gas & Electric Company
75051700 (28378) 051700, 22A A0 1851
Amended

Dear Mr. Brantley:

This letter serves to advise you that I am submitting to the Commission a **Withdrawal of Charge-Grant** recommendation based on the following:

You are requesting a Right To Sue Letter in order to pursue this matter in federal court

You will be notified of the Commission's action on this case recommendation at a later date.

Thank you for your cooperation. If there are any additional questions, please contact the undersigned at (513) 852-3344.

Sincerely,

Sharon R. Griffin
Civil Rights Representative
Cincinnati Regional Office

ENTRAL OFFICE
11 E. Broad Street, Suite 301
olumbus, Ohio 43205-1379
14) 466-2785
TY (614) 466-9353
X (614) 644-8776

KRON REGIONAL OFFICE
ron Government Center
1 S. High Street, Suite 205
ron, Ohio 44308
30) 643-3100
ice-TTY
X (330) 643-3120

INCINNATI REGIONAL OFFICE
oliday Park
1-B W. 8th Street, 2nd Floor
ncinnati, Ohio 45203
13) 852-3344
ice-TTY
X (513) 852-3357

LEVELAND REGIONAL OFFICE
5 W. Superior Avenue, Suite 885
leveland, Ohio 44113
16) 787-3150
ice-TTY
X (216) 787-4121

OLUMBUS REGIONAL OFFICE
11 E. Broad Street, Suite 301
olumbus, Ohio 43205-1379
14) 466-5928
ice-TTY
X (614) 466-6250

AYTON REGIONAL OFFICE
W. 4th Centre, Suite 1900
tyton, Ohio 45402-1831
37)285-6500
ice-TTY
X (937)285-6606

LEDO REGIONAL OFFICE
Government Center
son & Erie Streets, Room 936
ledo, Ohio 43604
19) 245-2900
ice-TTY
X (419) 245-2668

EXHIBIT "E"
Page 1 of 2
MAR 13 2001
CINERGY CORP.
LEGAL DEPT.

NOTICE OF RIGHT TO SUE

(Issued on request)

To: Billy Brantley 2853 SATURN DR. FAIRFIELD, OH 45014	From: EQUAL EMPLOYMENT OPPORTUNITY COMM. Equal Employment Opportunity Comm 1660 W 2nd St, Skylight Tower, #850 Cleveland, OH 44113-1412
<input type="checkbox"/> On behalf of a person aggrieved whose identity is CONFIDENTIAL (29 C.F.R. 1601.7(a))	
Charge Number 22AA01851	EEOC Representative Legal Dept. Duty Officer
	Telephone Number (216) 522-7445

(See the additional information attached to this form)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue. It is issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

More than 180 days have passed since the filing of this charge.
 Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
 The EEOC is terminating its processing of this charge.
 The EEOC will continue to process this charge.

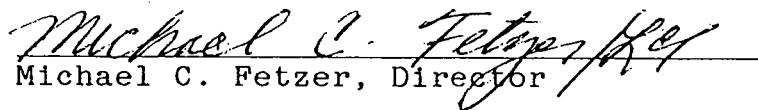
Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
 The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required). EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On Behalf of the Commission



Michael C. Fetzer, Director

MAR 13 2001

(Date)

Enclosure(s)

cc: Executive Officer
CINERGY CORP.
139 E. FOURDEN ST.
P.O. BOX 960
CINCINNATI, OH 45201-0960

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: backpay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/96 to 12/1/96, you should file suit before 7/1/98 -- not 12/1/98 -- in order to recover unpaid wages due for July 1996. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

OHIO CIVIL RIGHTS COMMISSION AND EEOC

Exhibit "F"
Page 1 of 3

NAME (INDICATE MR., MS., MRS.)

Mr. Todd Tolbert

HOME TELEPHONE (INCLUDE AREA CODE)
(613) 521-9844

STREET ADDRESS

8563 Dally Rd #3

CITY, STATE, ZIP CODE AND COUNTY

CINTI OH 45231

DATE OF BIRTH
12-15-67

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)

NAME

NUMBER OF EMPLOYEES

TELEPHONE (INCLUDE AREA CODE)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

NAME

TELEPHONE (INCLUDE AREA CODE)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY OTHER (SPECIFY)

DATE DISCRIMINATION TOOK PLACE
EARLIEST (ADEA/EPA) LATEST (ALL) CONTINUOUS ACTION

THE PARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACH EXTRA SHEET(S):

1994-5-17-2000

Cinergy Gas & Electric Co., Inc., has consistently limited or blocked my ability to receive promotions. Cinergy's hiring and promotional policies have inhibited my ability to achieve promotions and/or employment.

The policies adopted by Cinergy have contributed negative items to my employee personnel jacket, and I am held to a different standard based solely on racial bias.

The racial prejudice by Cinergy has created a hostile atmosphere that inhibits my ability to work, and refuses my right to enjoy a healthy, thriving work environment.

CINCINNATI
MAY 17 2000
FBI
18901123456

I ALSO WANT THIS CHARGE FILED WITH THE EEOC. I WILL ADVISE HE AGENCIES IF I CHANGE MY ADDRESS OR TELEPHONE NUMBER AND I WILL COOPERATE FULLY WITH THEM IN THE PROCESSING OF MY CHARGE IN ACCORDANCE WITH THEIR PROCEDURE.

NOTARY (WHEN NECESSARY FOR STATE AND LOCAL REQUIREMENTS)

I SWEAR OR AFFIRM THAT I HAVE READ THE ABOVE CHARGE AND THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DECLARE UNDER PENALTY OF PERJURY THAT THE OREGOING IS TRUE AND CORRECT.

SIGNATURE OF COMPLAINANT

Todd Tolbert
 SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (DAY, MONTH, YEAR)
 11/10/00 *Todd Tolbert*

DATE 4-11-00

CHARGING PARTY SIGNATURE

ROBERT W. MILLER, JR., Attorney at Law
 NOTARY PUBLIC - STATE OF OHIO
 My Commission has no expiration
 date, Section 147.03 R. C.

Todd Tolbert
V
Cinergy Gas & Electric Co.

PERSON FILING CHARGE	E	Exhibit "F"
Todd Tolbert		Page 2 of 3
THIS PERSON (<i>check one</i>)		
<input checked="" type="checkbox"/> CLAIMS TO BE AGGRIEVED <input type="checkbox"/> IS FILING ON BEHALF OF ANOTHER		
DATE OF ALLEGED VIOLATION		
(a)		
Earliest 5/17/00		Most Recent
PLACE OF ALLEGED VIOLATION		
139 E. Fourth Street, Cincinnati, Ohio 45206		
22A AO 1850		
EEOC CHARGE NUMBER		
75051700 (28377) 051700		
FEPA CHARGE NUMBER		

NOTICE OF CHARGE OF DISCRIMINATION IN JURISDICTIONS WHERE AN FEP AGENCY WILL INITIALLY PROCESS
(See EEOC "Rules and Regulations" for additional information)

YOU ARE HEREBY NOTIFIED THAT A CHARGE OF EMPLOYMENT DISCRIMINATION UNDER

Title VII of the Civil Rights Act of 1964 The Americans with Disabilities Act (ADA)
 The Age Discrimination in Employment Act of 1967 (ADEA)

HAS BEEN RECEIVED BY

The EEOC and sent for initial processing to _____
(FEP Agency)

The Ohio Civil Rights Commission (OCRC) and sent to the EEOC for dual filing purposes.
(FEP Agency)

EEOC has jurisdiction after the expiration of any deferral requirement (Title VII or ADA charge) to investigate this charge. EEOC may refrain from beginning a investigation and await the issuance of OCRC's final findings and orders. These final findings and orders will be given weight by EEOC in making its own determination as to whether or not reasonable cause exists to believe that the allegations made in the charge are true.

You are encouraged to cooperate fully with OCRC. All facts and evidence provided by you to OCRC in the course of its proceedings will be considered by EEOC when it reviews the OCRC's final findings and orders. In many instances, the EEOC will take no further action, thereby avoiding the necessity of an investigation by both agencies. This likelihood is increased by your active cooperation with OCRC.

As a party to the charge, you may request that EEOC review the final decision and order of OCRC. For such a request to be honored, you must notify EEOC in writing within 15 days of your receipt of the OCRC's final decision and order. If OCRC terminates its proceedings without issuing a final finding and order, you will be contacted further by EEOC. Regardless of whether OCRC or EEOC processes the charge, the Recordkeeping and Non-Retaliation provisions of the statutes as explained in the "EEOC Rules and Regulations" apply.

For further correspondence on this matter, please use the charge number(s) shown.

An Equal Pay Act Investigation [29 U.S.C. 206(d)] will be conducted by the EEOC concurrently with OCRC's investigation of the charge.

Enclosure: Copy of Charge

BASIS OF DISCRIMINATION

RACE COLOR SEX RELIGION NATIONAL ORIGIN AGE OTHER
 DISABILITY RETALIATION

DATE 5/19/00	TYPED NAME/TITLE OF AUTHORIZED OCRC OFFICIAL ROGER LARISON, REGIONAL DIRECTOR	SIGNATURE
-----------------	--	-----------

EEOC DUAL FILING NOTICE

The Ohio Civil Rights Commission (OCRC), an agency of the State of Ohio, and the Equal Employment Opportunity Commission (EEOC), an agency of the United States government, are cooperating to give charges of discrimination a rapid and complete investigation.

You are hereby notified that this charge of employment discrimination was filed under the following Federal statute:

- Age Discrimination Employment Act
- Title VII of the Civil Rights Act of 1964
- Title I of the Americans with Disabilities Act

The attached charge will be investigated by either the OCRC or the EEOC. When one agency completes its investigation, it will share the information it has gathered with the other agency. When the case is resolved it will be considered closed with both the EEOC and the OCRC and you will be notified of the actions taken.

The EEOC may be contacted at the following address:

Equal Employment Opportunity Commission
Tower City - Skylight Office Tower
1660 West Second Street, Suite 850
Cleveland, Ohio 44113-1454
(216) 522-2001

OHIO CIVIL RIGHTS COMMISSION
AND
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

REQUEST FOR WITHDRAWAL OF CHARGE DISCRIMINATION

You have requested withdrawal of your dual-filed charge from the Ohio Civil Rights Commission (OCRC) and the Equal Employment Opportunity Commission (EEOC). In order to initiate such action, please furnish the information below. Since a request for withdrawal is subject to approval by both Commissions, your request will be considered and acted upon when received. Please note that both Commissions are still prepared to proceed with your case if you so desire.

75051700 (28377) 051700
OCRC CASE NUMBER

22A A0 1850 Amended
EEOC CASE NUMBER

Todd Tolbert

Cinergy Corp. and The
Cincinnati Gas & Electric Company

CHARGING PARTY

RESPONDENT

CHARGING PARTY -- COMPLETE INFORMATION BELOW

I am aware that OCRC and EEOC protect my rights to file a charge and have been advised that it is unlawful for any person covered by ORC-4112 or the laws administered by EEOC to threaten, intimidate or harass me because I have filed a charge. I have not been coerced into requesting this withdrawal. I am requesting a Right to Sue Letter, upon the advise of my Attorney. I understand that this is the final resolution of this matter with the Commission.

SIGNATURE

DATE

WITNESS

OHIO CIVIL RIGHTS COMMISSION

Rodney V. Jones
V
Cinergy Gas & Electric Co.

PERSON FILING CHA
Rodney V. Jones

Exhibit "H"
Page 2 of 3

THIS PERSON (*check one*)

CLAIMS TO BE AGGRIEVED
 IS FILING ON BEHALF OF ANOTHER

DATE OF ALLEGED VIOLATION

(@)

Earliest 5/17/00

Most Recent

PLACE OF ALLEGED VIOLATION
139 E. Fourth Street, Cincinnati, Ohio 45206
22A AO 1852

EEOC CHARGE NUMBER

75051700 (28379) 051700

FEPA CHARGE NUMBER

NOTICE OF CHARGE OF DISCRIMINATION IN JURISDICTIONS WHERE AN FEP AGENCY WILL INITIALLY PROCESS
(See EEOC "Rules and Regulations" for additional information)

YOU ARE HEREBY NOTIFIED THAT A CHARGE OF EMPLOYMENT DISCRIMINATION UNDER

Title VII of the Civil Rights Act of 1964 The Americans with Disabilities Act (ADA)
 The Age Discrimination in Employment Act of 1967 (ADEA)

HAS BEEN RECEIVED BY

The EEOC and sent for initial processing to _____
(FEP Agency)
 The Ohio Civil Rights Commission (OCRC) _____ and sent to the EEOC for dual filing purposes.
(FEP Agency)

EEOC has jurisdiction after the expiration of any deferral requirement (Title VII or ADA charge) to investigate this charge. EEOC may refrain from beginning a investigation and await the issuance of OCRC's final findings and orders. These final findings and orders will be given weight by EEOC in making its own determination as to whether or not reasonable cause exists to believe that the allegations made in the charge are true.

You are encouraged to cooperate fully with OCRC. All facts and evidence provided by you to OCRC in the course of its proceedings will be considered by EEOC when it reviews the OCRC's final findings and orders. In many instances, the EEOC will take no further action, thereby avoiding the necessity of an investigation by both agencies. This likelihood is increased by your active cooperation with OCRC.

As a party to the charge, you may request that EEOC review the final decision and order of OCRC. For such a request to be honored, you must notify EEOC in writing within 15 days of your receipt of the OCRC's final decision and order. If OCRC terminates its proceedings without issuing a final finding and order, you will be contacted further by EEOC. Regardless of whether OCRC or EEOC processes the charge, the Recordkeeping and Non-Retaliation provisions of the statutes as explained in the "EEOC Rules and Regulations" apply.

For further correspondence on this matter, please use the charge number(s) shown.

An Equal Pay Act Investigation [29 U.S.C. 206(d)] will be conducted by the EEOC concurrently with OCRC's investigation of the charge.
 Enclosure: Copy of Charge

BASIS OF DISCRIMINATION

RACE COLOR SEX RELIGION NATIONAL ORIGIN AGE OTHER
 DISABILITY RETALIATION

DATE 5/19/00	TYPED NAME/TITLE OF AUTHORIZED OCRC OFFICIAL ROGER LARISON, REGIONAL DIRECTOR	SIGNATURE
-----------------	--	-----------

EEOC DUAL FILING NOTICE

The Ohio Civil Rights Commission (OCRC), an agency of the State of Ohio, and the Equal Employment Opportunity Commission (EEOC), an agency of the United States government, are cooperating to give charges of discrimination a rapid and complete investigation.

You are hereby notified that this charge of employment discrimination was filed under the following Federal statute:

- Age Discrimination Employment Act
- Title VII of the Civil Rights Act of 1964
- Title I of the Americans with Disabilities Act

The attached charge will be investigated by either the OCRC or the EEOC. When one agency completes its investigation, it will share the information it has gathered with the other agency. When the case is resolved it will be considered closed with both the EEOC and the OCRC and you will be notified of the actions taken.

The EEOC may be contacted at the following address:

Equal Employment Opportunity Commission
Tower City - Skylight Office Tower
1660 West Second Street, Suite 850
Cleveland, Ohio 44113-1454
(216) 522-2001

OHIO CIVIL RIGHTS COMMISSION AND EEOC

State or Local Agency, if any

Exhibit "I"
Page 1 of 2

NAME (INDICATE MR., MS., MRS.)

Rodney V. Jones

STREET ADDRESS

CITY, STATE, ZIP CODE, AND COUNTY

11449 Lincolnshire Rd. Cincinnati, OH 45240

HOME TELEPHONE (INCLUDE AREA CODE)
513-742-8609

DATE OF BIRTH
8-6-63

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW.)

NAME

Cinergy Corp

NUMBER OF EMPLOYEES

+15

TELEPHONE (INCLUDE AREA CODE)
513-287-2649

STREET ADDRESS

CITY, STATE AND ZIP CODE

139 East Fourth Street P O Box 960 Cincinnati, OH 45201-0960

COUNTY
Hamilton

NAME

TELEPHONE (INCLUDE AREA CODE)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

RACE COLOR SEX RELIGION NATIONAL ORIGIN

DATE DISCRIMINATION TOOK PLACE

EARLIEST(ADEA/EPA) LATEST(ALL)

Prior to and on June 23, 2000

THE PARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACH EXTRA SHEET(S))

CONTINUING ACTION

I am a Black Male. I have taken approximately seven (7) tests in order to qualify for a promotion.

- I. The percentage of Blacks that work for the company is far below the demographics for this area demonstrating the percentage of Blacks living in this area. The company's hiring and promotional policies adversely impact Black persons. In addition, to contributing to negative items in my employee personnel jacket. The company has created a hostile work atmosphere, and I am held to a different standard. Prior to and on June 23, 2000, I was denied a promotion for Lineperson C position.
- II. There is no reason for the disparate treatment.
- III. I believe that I have been unlawfully discriminated against because of my race for the following reasons:
 - a. Cinergy Corp has consistently limited or blocked my ability to receive promotions. Hiring and promotional policies have inhibited my ability to achieve promotions and/or employment.

I ALSO WANT THIS CHARGE FILED WITH THE EEOC. I WILL ADVISE THE AGENCIES IF I CHANGE MY ADDRESS OR TELEPHONE NUMBER AND I WILL COOPERATE FULLY WITH THEM IN THE PROCESSING OF MY CHARGE IN ACCORDANCE WITH THEIR PROCEDURE.

NOTARY (When necessary for State and Local Requirements)

I SWEAR OR AFFIRM THAT I HAVE READ THE ABOVE CHARGE AND THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

SIGNATURE OF COMPLAINANT

Subscribed and Sworn to before me this date
(Day, Month, Year)

Ohio Civil Rights Commission

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE
8/29/00

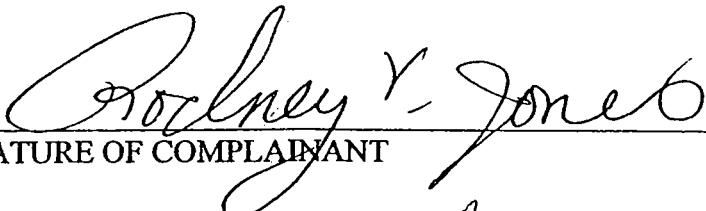
CHARGING PARTY SIGNATURE
Rodney V. Jones

AGE TWO OF TWO

odney V. Jones v. Cinergy Corp.

062300 (28379) 051700, 22A A0 1852 AMENDED

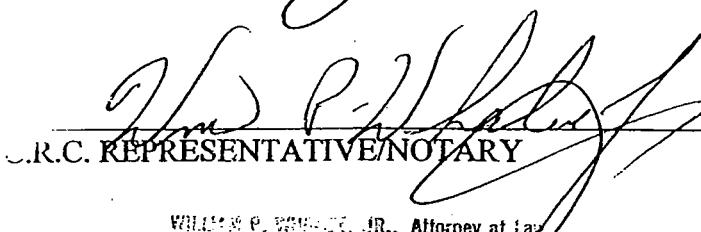
- b. The policies adopted by Cinergy Corp. have contributed negative items to my employee personnel jacket, and I am held to a different standard based solely on racial bias.
- c. The racial prejudice by Cinergy has created a hostile atmosphere that inhibits my ability to work, and refuses my right to enjoy a healthy thriving work environment.
- d. The company posted the following: Lineperson C – March 10, 2000, Lineperson C - June 11, 1999, Lineperson C – December 4, 1998, and Lineperson C – June 23, 2000.

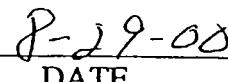


GNATURE OF COMPLAINANT



DATE


R.C. REPRESENTATIVE/NOTARY



DATE

WILLIAM P. YOUNG, JR., Attorney at Law
CINCINNATI, OH - STATE OF OHIO
My Commission Expires: 06/30/2005
State, Sector: 147.03 IR, C

OHIO CIVIL RIGHTS COMMISSION
AND
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

REQUEST FOR WITHDRAWAL OF CHARGE DISCRIMINATION

You have requested withdrawal of your dual-filed charge from the Ohio Civil Rights Commission (OCRC) and the Equal Employment Opportunity Commission (EEOC). In order to initiate such action, please furnish the information below. Since a request for withdrawal is subject to approval by both Commissions, your request will be considered and acted upon when received. Please note that both Commissions are still prepared to proceed with your case if you so desire.

75062300 (28379) 051700
OCRC CASE NUMBER

22A A0 1852 Amended
EEOC CASE NUMBER

Rodney V. Jones

Cinergy Corp. and The
Cincinnati Gas & Electric Company

CHARGING PARTY

RESPONDENT

CHARGING PARTY -- COMPLETE INFORMATION BELOW

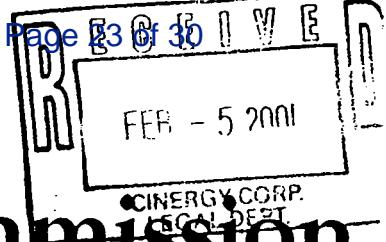
I am aware that OCRC and EEOC protect my rights to file a charge and have been advised that it is unlawful for any person covered by ORC-4112 or the laws administered by EEOC to threaten, intimidate or harass me because I have filed a charge. I have not been coerced into requesting this withdrawal. I am requesting a Right to Sue Letter, upon the advise of my Attorney. I understand that this is the final resolution of this matter with the Commission.

SIGNATURE

DATE

WITNESS

OHIO CIVIL RIGHTS COMMISSION



Ohio Civil Rights Commission

"Many Faces...One Cause"

Rodney V. Jones
11449 Lincolnshire Rd.
Cincinnati, OH 45240

Jay R. Alvaro
Counsel
Cinergy Corp. and
The Cincinnati Gas &
Electric Company
139 E. Fourth Street
P O Box 960
Cincinnati, OH 45201

ENTRAL OFFICE
111 E. Broad Street, Suite 301
olumbus, Ohio 43205-1379
(614) 466-2785
TY (614) 466-9353
AX (614) 644-8776

KRON REGIONAL OFFICE
kron Government Center
51 S. High Street, Suite 205
kron, Ohio 44308
(30) 643-3100
oice-TTY
AX (330) 643-3120

INCINNATI REGIONAL OFFICE
oliday Park
31-B W. 8th Street, 2nd Floor
cinnati, Ohio 45203
(513) 852-3344
oice-TTY
AX (513) 852-3357

LEVELAND REGIONAL OFFICE
15 W. Superior Avenue, Suite 885
leveland, Ohio 44113
(216) 787-3150
oice-TTY
AX (216) 787-4121

OLUMBUS REGIONAL OFFICE
111 E. Broad Street, Suite 301
olumbus, Ohio 43205-1379
(614) 466-5928
oice-TTY
AX (614) 466-6250

AYTON REGIONAL OFFICE
0 W. 4th Centre, Suite 1900
ayton, Ohio 45402-1831
(937)285-6500
oice-TTY
AX (937)285-6606

OLEDO REGIONAL OFFICE
ne Government Center
ackson & Eric Streets, Room 936
ledo, Ohio 43604
(419) 245-2900
oice-TTY
AX (419) 245-2668

75062300 (28379) 051700
22A A0 1852 Amended

Charging Party, Rodney V. Jones, has filed an affidavit with the Ohio Civil Rights Commission and the Equal Employment Opportunity Commission, alleging that he was subjected to different terms and conditions of employment, i.e., hostile work atmosphere, held to a different standard and denied a promotion, by the Respondent, Cinergy Corp. and The Cincinnati Gas & Electric Company because of his race.

All jurisdictional requirements for filing a charge have been met.

Charging Party executed a Withdrawal of Charge form because he will be requesting a Right To Sue Letter in order to pursue this matter in federal court.

The Ohio Civil Rights Commission has determined that no purpose would be served by continuing this matter and has entered into its records a finding of **WITHDRAWAL OF CHARGE - GRANT**. The matter is **CLOSED**.

NOTICE OF RIGHT TO SUE

(Issued on request)

To: Rodney V Jones 11449 LINCOLNSHIRE RD. CINCINNATI, OH 45240	From: EQUAL OPPORTUNITY COMM. Equal Employment Opportunity Comm 1660 W 2nd St, Skylight Tower, #850 Cleveland, OH 44113-1412
<input type="checkbox"/> On behalf of a person aggrieved whose identity is CONFIDENTIAL (29 C.F.R. 1601.7(a))	
Charge Number 22AA01852	EEOC Representative Legal Dept. Duty Officer
Telephone Number (216) 522-7445	

(See the additional information attached to this form)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue. It is issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

More than 180 days have passed since the filing of this charge.
 Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
 The EEOC is terminating its processing of this charge.
 The EEOC will continue to process this charge.

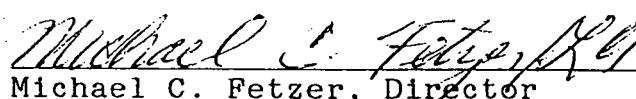
Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
 The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required). EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On Behalf of the Commission


Michael C. Fetzer, Director

MAR 13 2001

(Date)

Enclosure(s)

cc: Executive Officer
CINERGY GAS & ELECTRIC CO.
139 E. FOURTH ST.
CINCINNATI, OH 45202

IO CIVIL RIGHTS COMMISSION AND EEOC

Exhibit "M"
Page 1 of 2

IE (INDICATE MR., MS., MRS.)

Mr. Anthony Martin

HOME TELEPHONE (INCLUDE AREA CODE)

(513) 522-4988

EET ADDRESS

26 Random Hill RD, Cincinnati, Ohio, 45231

DATE OF BIRTH
12-1-60IED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL
VERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)IE
Cinergy Co

NUMBER OF EMPLOYEES

TELEPHONE (INCLUDE AREA CODE)

EET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

IE

TELEPHONE (INCLUDE AREA CODE)

EET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

HAMilton

USE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

RACE COLOR SEX RELIGION NATIONAL ORIGIN
RETALIATION AGE DISABILITY OTHER (SPECIFY)DATE DISCRIMINATION TOOK PLACE
EARLIEST(ADEA/EPA) LATEST (ALL)6 Yes CONTINUOUS ACTION

E PARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACH EXTRA SHEET(S):

ago

5-17-2000

1994-2000

Cinergy Gas & Electric Co., Inc., has consistently limited or blocked my ability to receive promotions. Cinergy's hiring and promotional policies have inhibited my ability to achieve promotions and/or employment.

The policies adopted by Cinergy have contributed negative items to my employee personnel jacket, and I am held to a different standard based solely on racial bias.

The racial prejudice by Cinergy has created a hostile atmosphere that inhibits my ability to work, and refuses my right to enjoy a healthy, thriving work environment.

CONTINUE

CONTINUE

CONTINUE

CONTINUE

CONTINUE

CONTINUE

I ALSO WANT THIS CHARGE FILED WITH THE EEOC. I WILL ADVISE
IE AGENCIES IF I CHANGE MY ADDRESS OR TELEPHONE NUMBER AND I
ILL COOPERATE FULLY WITH THEM IN THE PROCESSING OF MY
CHARGE IN ACCORDANCE WITH THEIR PROCEDURE.

NOTARY (WHEN NECESSARY FOR STATE AND LOCAL REQUIREMENTS)

I SWEAR OR AFFIRM THAT I HAVE READ THE ABOVE CHARGE AND THAT IT IS TRUE TO THE
BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.DECLARE UNDER PENALTY OF PERJURY THAT THE
CHARGE IS TRUE AND CORRECT.

SIGNATURE OF COMPLAINANT

Anthony Martin
SUBSCRIBED AND SURNED TO BEFORE ME THIS DATE
(DAY, MONTH, YEAR)

4-11-00

NOTARY PUBLIC - STATE OF OHIO
My Commission has no expiration
date, Section 147.03 R. C.

DATE 4-11-00

CHARGING PARTY SIGNATURE

AGENCY

 FEPA
 EEOC

CHARGE NUMBER

75051700 (28376) 051700,
22A A0 1849 AMENDED

OHIO CIVIL RIGHTS COMMISSION AND EEOC

State or Local Agency, if any

Exhibit "N"

Page 1 of 2

(INDICATE MR., MS., MRS.)

Anthony Martin

ADDRESS

6 Random Hill Road

CITY, STATE, ZIP CODE, AND COUNTY

Cincinnati, OH 45231

DATE OF BIRTH

12-1-60

D IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO
MINATED AGAINST ME (IF MORE THAN ONE LIST BELOW.)

Energy Corp.

ADDRESS

CITY, STATE AND ZIP CODE

NUMBER OF EMPLOYEES

+15

TELEPHONE (INCLUDE AREA CODE)

513-287-2649

East Fourth Street P O Box 960 Cincinnati, OH 45201-0960

COUNTY

Hamilton

TELEPHONE (INCLUDE AREA CODE)

ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

TYPE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

SEX COLOR SEX RELIGION NATIONAL ORIGINTALITATION AGE DISABILITY OTHER (SPECIFY)

DATE DISCRIMINATION TOOK PLACE

EARLIEST(ADEA/EPA) LATEST(ALL)

RECEIVED
CINCINNATI
AUG 28 2000

Prior to and on May 17, 2000

PARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACH EXTRA SHEET(S):

[X] CONTINUING ACTION

a Black male.

The percentage of Blacks that work for the company is far below the demographics for this area demonstrating the percentage of Blacks living in this area. The company's hiring and promotional policies adversely impact Black persons. In addition, to contributing to negative items in my employee personnel jacket. The company has created a hostile work atmosphere, and I am held to a different standard. Prior to and on May 17, 2000, I have been denied the opportunity to take a promotional exam.

I. There is no reason for this disparate treatment.

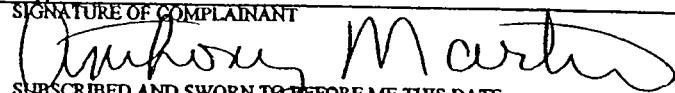
II. I believe that I have been unlawfully discriminated against because of my race for the following reasons:

I WANT THIS CHARGE FILED WITH THE EEOC. I WILL ADVISE THE AGENCIES IF I
RE MY ADDRESS OR TELEPHONE NUMBER AND I WILL COOPERATE FULLY WITH
IN THE PROCESSING OF MY CHARGE IN ACCORDANCE WITH THEIR PROCEDURE.

NOTARY (When necessary for State and Local Requirements)

I SWEAR OR AFFIRM THAT I HAVE READ THE ABOVE CHARGE AND
THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION
AND BELIEF.

SIGNATURE OF COMPLAINANT

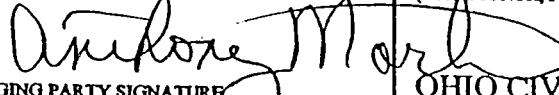

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(DAY, MONTH, YEAR)

8-28-00

ARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

CHARGING PARTY SIGNATURE

8-28-00



OHIO CIVIL RIGHTS COMMISSION

TWO OF TWO

by Martin v. Cinergy Corp.

700 (28376) 051700, 22A A0 1849 AMENDED

Cinergy Corp. has consistently limited or blocked my ability to receive promotions. Hiring and promotional policies have inhibited my ability to achieve promotions and / or employment.

The policies adopted by Cinergy Corp. have contributed negative items to my employee personnel jacket, and I am held to a different standard based solely on racial bias.

The racial prejudice by Cinergy has created a hostile atmosphere that inhibits my ability to work, and refuses my right to enjoy a healthy thriving work environment.

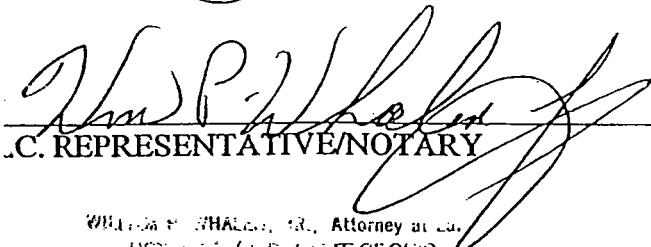
I cannot take a promotional exam as a result of my objections to disciplinary action from an accident, which occurred on the job.


Anthony Martin

8-22-00

ATURE OF COMPLAINANT

DATE


C. Representative/Notary

8-22-00

DATE

William P. Whalen, Jr., Attorney at Law,
NOTARIAL AND STATE OF OHIO
My Commission will expire
Date Section 147.03 R.C.

RECEIVED
CINCINNATI
AUG 28 2000

OHIO CIVIL RIGHTS COMMISSION
AND
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

REQUEST FOR WITHDRAWAL OF CHARGE DISCRIMINATION

You have requested withdrawal of your dual-filed charge from the Ohio Civil Rights Commission (OCRC) and the Equal Employment Opportunity Commission (EEOC). In order to initiate such action, please furnish the information below. Since a request for withdrawal is subject to approval by both Commissions, your request will be considered and acted upon when received. Please note that both Commissions are still prepared to proceed with your case if you so desire.

75051700 (28376) 051700
OCRC CASE NUMBER

22A A0 1849 Amended
EEOC CASE NUMBER

Anthony Martin

Cinergy Corp. and The
Cincinnati Gas & Electric Company

CHARGING PARTY

RESPONDENT

CHARGING PARTY -- COMPLETE INFORMATION BELOW

I am aware that OCRC and EEOC protect my rights to file a charge and have been advised that it is unlawful for any person covered by ORC-4112 or the laws administered by EEOC to threaten, intimidate or harass me because I have filed a charge. I have not been coerced into requesting this withdrawal. I am requesting a Right to Sue Letter, upon the advise of my Attorney. I understand that this is the final resolution of this matter with the Commission.

Anthony Martin

12-18-00

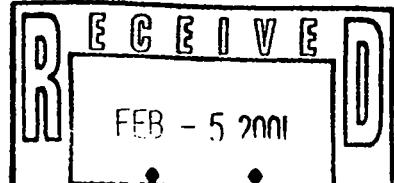
SIGNATURE

DATE

B. L.

WITNESS

OHIO CIVIL RIGHTS COMMISSION



Ohio Civil Rights Commission

"Many Faces...One Cause"

FEb 1 2001

Anthony Martin
1326 Random Hill Road
Cincinnati, OH 45231

Jay R. Alvaro
Counsel
Cinergy Corp. and
The Cincinnati Gas &
Electric Company
139 E. Fourth Street
P O Box 960
Cincinnati, OH 45201

ENTRAL OFFICE
111 E. Broad Street, Suite 301
olumbus, Ohio 43205-1379
14) 466-2785
TY (614) 466-9353
AX (614) 644-8776

KRON REGIONAL OFFICE
kron Government Center
51 S. High Street, Suite 205
kron, Ohio 44308
30) 643-3100
oice-TTY
AX (330) 643-3120

INCINNATI REGIONAL OFFICE
oliday Park
01-B W. 8th Street, 2nd Floor
ncinnati, Ohio 45203
13) 852-3344
oice-TTY
AX (513) 852-3357

LEVELAND REGIONAL OFFICE
15 W. Superior Avenue, Suite 885
leveland, Ohio 44113
216) 787-3150
oice-TTY
AX (216) 787-4121

COLUMBUS REGIONAL OFFICE
111 E. Broad Street, Suite 301
olumbus, Ohio 43205-1379
614) 466-5928
oice-TTY
AX (614) 466-6250

DAYTON REGIONAL OFFICE
0 W. 4th Centre, Suite 1900
ayton, Ohio 45402-1831
937)285-6500
oice-TTY
AX (937)285-6606

TOLEDO REGIONAL OFFICE
ne Government Center
ackson & Erie Streets, Room 936
ledo, Ohio 43604
419) 245-2900
oice-TTY
AX (419) 245-2668

75051700 (28376) 051700
22A A0 1849 Amended

Charging Party, Anthony Martin, has filed an affidavit with the Ohio Civil Rights Commission and the Equal Employment Opportunity Commission, alleging that he was subjected to different terms and conditions of employment, i.e., hostile work atmosphere, held to a different standard and denied the opportunity to take a promotional exam, by the Respondent, Cinergy Corp. and The Cincinnati Gas & Electric Company because of his race.

All jurisdictional requirements for filing a charge have been met.

Charging Party executed a Withdrawal of Charge form because he will be requesting a Right To Sue Letter in order to pursue this matter in federal court.

The Ohio Civil Rights Commission has determined that no purpose would be served by continuing this matter and has entered into its records a finding of WITHDRAWAL OF CHARGE - GRANT. The matter is CLOSED.